

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

<b>IN RE:</b>	§	
<b>James Daron Franklin</b>	§	<b>CASE NO. 05-10437-BP</b>
<b>TAX ID: xxx-xx-5792</b>	§	
<b>3790 Holland Drive</b>	§	<b>CHAPTER 7</b>
<b>Beaumont, TX 77707</b>	§	
<b>DEBTOR(S)</b>	§	

**TRUSTEE'S NOTICE OF INTENT TO ABANDON PROPERTY**

**NO HEARING WILL BE CONDUCTED ON THIS NOTICE UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUESTS FOR HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

To the Creditors and Other Parties in Interest:

PLEASE TAKE NOTICE that pursuant to 11 U.S.C. § 554(a) the undersigned, duly qualified and acting Chapter 7 Trustee of this estate of the above-captioned Debtors, intends to and will abandon the following described property as burdensome and of inconsequential value to the estate, unless, within fourteen (14) days from the date of service of this Notice, a creditor or other interested party files a written objection and request for hearing with the clerk of the bankruptcy court and serves a copy of such request on the United States Trustee and the Trustee herein. The Trustee intends to abandon the following property:

The only asset on this case was an undivided 50% interest with Cynthia Smith in a cause of action for fraud.

The best settlement offer obtained was for \$10,000.00 in total and acceptance of settlement was recommended by special counsel in light of the substantial problems that would be encountered if the case were tried. The Debtor would be entitled to 50% of the settlement amount.

The debtor had claimed an exemption in the amount of \$6,015.00 which exceeded the potential settlement recovery for the debtor.

The Trustee believes that to continue to administer this asset would be burdensome and of inconsequential value to this estate.

Objections not timely filed and served will be deemed waived.

Dated this the 22<sup>nd</sup> day of June, 2011.

Respectfully submitted,

/S:/DANIEL J. GOLDBERG

Daniel Jacob Goldberg - #08075000

Chapter 7 Trustee

2 Riverway, Suite 700

Houston, Texas 77056

Tel: (713) 626-1200

Fax: (713) 623-6014

Email: [dgoldberg@rossbanks.com](mailto:dgoldberg@rossbanks.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all parties of interest by electronic means or by depositing the same into the United States Mail, postage prepaid, on this the 22<sup>nd</sup> day of June, 2011.

See an Attached List.

/S:/DANIEL J. GOLDBERG

Daniel Jacob Goldberg

Chapter 7 Trustee

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**ORDER AUTHORIZING ABANDONMENT OF PROPERTY  
BY DANIEL J. GOLDBERG, CHAPTER 7 TRUSTEE**

ON THIS DATE, a Notice of Trustee’s Intent to Abandon Property (the “Notice of Intent”) was filed by Daniel Jacob Goldberg, the duly-appointed Chapter 7 Trustee, which identified certain items of property, namely: an undivided 50% interest with Cynthia Smith in a cause of action for fraud, (the “Property”) which, in the Trustee’s opinion, is either burdensome or of inconsequential value and benefit to the above-referenced bankruptcy estate. The Court finds that the Notice of Intent was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate negative notice language pursuant to Local Rule of Bankruptcy Procedure 4001. The Court further finds that no objection or other response to the Notice of Intent has been timely filed and, thus the allegations contained in the Notice of Intent stand unopposed and, accordingly, good cause exists for the entry of the following order.

**IT IS THEREFORE ORDERED** that the immediate abandonment of the property identified in the Notice of Trustee's Intent to Abandon Property filed by Daniel Jacob Goldberg, Chapter 7 Trustee, is hereby authorized.

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THE HONORABLE BILL PARKER  
UNITED STATES BANKRUPTCY JUDGE